

REPORT / RECOMMENDATION



To: MAYOR AND COUNCIL

Agenda Item #: IV. K.

From: Ross Bintner P.E. - Environmental Engineer

Action ☒

Discussion ☐

Date: April 22, 2014

Information ☐

Subject: Resolution No. 2014-37 Hennepin County Environmental Response Fund Grant and Approve Professional Services for Promenade Phase 4

Action Requested:

Approve resolution authorizing an application for Hennepin County Environmental Response Fund Grant, and authorize City Manager to sign professional services agreement with Barr Engineering Company.

Information / Background:

The 71 France developer has informed the City that their schedule is delayed and is requesting easement over a portion of the Promenade Phase 4 project area. This schedule adjustment means Promenade Phase 4 bid and construction will take place in Spring of 2015.

During observation of soils investigation and remediation work at the neighboring 71 France development, City staff observed the extent and type of construction debris underlying the site, and ordered soil borings to investigate soils underlying Promenade Phase 4. Boring results showed trace amounts of debris and two of seven boring locations showed low-level contamination that necessitate investigation and remediation permitting. The project delay allows the City to apply for grant funding to defray the cost to investigate and remediate soils.

Summarized below are the original project estimates, an estimate of the changed conditions with alternate funding estimates with and without grants, and a revised project estimate with changed change soil conditions. Execution of the professional service contract for soil investigation work will be conditioned on approval by the Nine Mile Creek Watershed District (9MCWD) to include funding commitments for a share of eventual soil remediation costs, and will result in a revised cooperative agreement with 9MCWD coming before Council.

ORIGINAL PROJECT ESTIMATE:	Estimate	Notes
Underground regional infiltration feature and shallow gardens with rock channel and ½ share of pump station.	(\$591,350)	
Design, engineering, plans, and specs.	(\$76,000)	
ORIGINAL PROJECT ESTIMATE	(\$667,350)	11/19/13 CC Underground, "Subtotal B" Stormwater portion.
SUBTOTAL PARTNER FUNDING	\$333,675	12/3/13 CC Nine Mile Cooperative Agreement
SUBTOTAL STORMWATER COST	\$333,675	Stormwater Utility Fund

CHANGED CONDITION ESTIMATE:	Estimate	Notes
Soil borings	(\$19,975)	
Environmental investigation*	(\$44,500)	Professional services scope under consideration.
Estimated Soil remediation**	(\$300,000)	Conservative estimate: Total excavation 7500cy to landfill with clean fill import at \$40/cy
CHANGED CONDITION ESTIMATE:	(\$364,475)	
Funding estimate 1 without grant		
9MCWD Funds w/o Grant	\$150,000	Cooperative agreement revision needed
Stormwater Utility Funds w/o Grant	\$214,475	
Total funding without grant	\$364,475	
Funding estimate 2 with grant		
*Estimated grant funds for environmental investigation	\$30,000	Conservative estimate: Assumed portion of investigation work will precede grant notice.
** Estimated grant funds for soil remediation	\$70,000	Conservative estimate: Assumed small portion of soil export eligible.
9MCWD Funds w/o Grant	\$115,000	Cooperative agreement revision needed
Stormwater Utility Funds w/o Grant	\$149,475	
Total funding with grant	\$364,475	

REVISED PROJECT ESTIMATE WITH CHANGED CONDITION:	Estimate	Notes
Original project estimate	(\$667,350)	
Change condition estimate	(\$364,475)	
REVISED PROJECT ESTIMATE	(\$1,031,825)	
9MCWD w/o grant	\$483,675	
Stormwater utility w/o grant	\$548,150	
TOTAL FUNDING w/o grant	\$1,031,825	
Grant funds	\$100,000	
9MCWD w/ grant	\$448,675	
Stormwater utility w/ grant	\$483,150	
TOTAL FUNDING w/ grant	\$1,031,825	

* The estimated cost of professional services and the soil remediation and the estimated potential and extent of grant funding are both intended to be conservative, worst-case estimates.

** A best-case scenario could include approximately \$330,000 in grant funding, and assumes a future grant application for implementation and remediation.

Staff Recommendation:

Soils investigations and permitting of the intended use carries risk to the project scope, but the project team and environmental remediation professionals consulted foresee a good chance the intended use will be allowed by the MPCA. Grant funding is also not assured, but chances warrant the small additional cost of professional services to apply.

Staff recommends modification of 2015 CIP to include additional costs for soil remediation during construction, approval of professional services for soil investigation, and approval of grant application to Hennepin County and the associated Resolution required by the County.

Attachments:

Resolution No. 2014-37 for Hennepin County Environmental Response Fund Grant
Promenade Phase 4 Professional Services Proposal - Barr Engineering Company



RESOLUTION 2014-37
AUTHORIZING APPLICATION FOR
HENNEPIN COUNTY ENVIRONMENTAL RESPONSE FUND GRANT

WHEREAS, the City of Edina has developed concept plans for the final phase of the Edina Promenade, consisting of a walking path and water feature; and

WHEREAS, the City and Nine Mile Creek Watershed District have jointly undertaken an analysis of the feasibility of integrating a stormwater-management system into the construction of the Promenade final phase to reduce stormwater runoff volume from the Centennial Lakes subwatershed (the Project); and

WHEREAS, the City and Nine Mile Creek Watershed District have ordered design and production of plans and specifications for the Project; and

WHEREAS, soil borings associated with the design of the Project have discovered contamination consistent with buried construction debris necessitating investigation and development of remediation options.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Edina approves the Environmental Response Fund grant application be submitted to the Hennepin County Department of Environmental Services on May 1, 2014 by Barr Engineering on behalf of the City of Edina Engineering Department.

ADOPTED this 22nd day of April, 2014.

Attest: _____
Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)SS
CITY OF EDINA)

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of April 22, 2014, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this _____ day of _____, 20____.

City Clerk



April 4, 2014

Mr. Ross Bintner
Environmental Engineer
City of Edina
Public Works & Park Maintenance Facility
7450 Metro Boulevard
Edina, MN 55439

**Re: Proposal for Phase I/II Investigations and Response Action Plan
Promenade Phase 4 Stormwater Infiltration Project
Edina, Minnesota**

Dear Mr. Bintner:

Barr Engineering Company is pleased to submit this proposal and cost estimate for conducting environmental investigations and preparing a cleanup plan in support of the Promenade Phase 4 Stormwater Infiltration Project and Landscape. The project area is shown on the attached figure (Property). The investigations will include a Phase I Environmental Site Assessment (ESA) in accordance with ASTM 1527-13 and additional Phase II drilling investigation to supplement the data recently collected by Braun at the Property. The primary purpose of the investigations is to further evaluate the nature of the layer of fill that is present at the Property relative to the planned infiltration of stormwater. Another purpose of the investigations is to provide information to prepare a Response Action Plan (RAP) to address potential soil impacts related to the fill soil that will be excavated as part of the project.

We understand that the project will be entered into the Minnesota Pollution Control's (MPCA's) voluntary program for technical review and Barr will complete the work following the relevant MPCA guidance. We believe that the proposed approach for infiltration at this Property presents unique considerations, mainly because of the presence of the fill with some debris and the relatively low level impacts in select fill samples collected near the Property. As we have discussed, the fill conditions are not perfectly suited for infiltration (e.g., clean native sand), yet the initial data showed promise for pursuing a more detailed evaluation of the concept. To appropriately evaluate this concept, we believe that MPCA will seek a site-specific evaluation of the potential soil leaching pathways for infiltrated water. Barr believes that it is critical to the project success to closely coordinate the design and evaluation of the infiltration project with the environmental assessment of the fill soil quality.

As you requested, Barr contacted Lynne Grigor with MPCA to discuss an approach of work, which has shaped our approach to this project as outlined below.

Scope of Work

Barr will complete the following work tasks:

Phase I

- Prepare a Phase I ESA for the project area shown on the attached figure, which is necessary to enter the MPCA voluntary program and seek possible grant funding (discussed later). Specific Phase I service assumptions are attached.
- Submit existing soil data, Phase I ESA, and an application to MPCA to obtain input from MPCA programs (voluntary cleanup and stormwater programs) regarding data gaps and requirements for further assessing the infiltration concept. A meeting with MPCA staff could be held to complete this step.

Phase II

- Finalize the soil investigation approach to address data gaps. Based on current information, this is anticipated to involve one day of drilling and soil data collection as outlined below.
- Subcontract to advance up to 6 geoprobe borings at areas of planned infiltration, plus alternate infiltration areas if appropriate, to collect samples of the non-native fill and the underlying clay layer that will influence the infiltration pathways. Boring locations and depths may vary depending on utility locations, accessibility in the field, and soil conditions encountered. Boreholes will be abandoned by placing soil cuttings in the boreholes. Field tasks and documentation will be collected in accordance with Barr's standard operating procedures (SOPs) applicable to the project.
- Observe the boring advancements, conduct field screening, and collect analytical samples, including volatile organic compounds, semi-volatile organic compounds, EPA's list of 13 priority pollutant metals, gasoline range organics (GRO), and diesel range organics (DRO) with silica gel cleanup, organic carbon, and soil pH. Select soil samples will also be submitted for grain size distribution.
- Field screen the boring locations, which will include soil classification, inspection for visual evidence of contamination (i.e. odor, discoloration, sheen, or other field indications of potential soil impacts) and headspace volatile organic vapor screening. Soils will be classified in accordance with ASTM D-2488, Standard Practice for Description and Identification of Soils (Visual/Manual Method). A photoionization detector (PID) with a 10.6 eV, or higher, lamp will be used to perform headspace volatile organic vapor readings. Field screening results along with visual observation and professional judgment will be used to guide the selection of samples that will be sent to the laboratory for analysis.
- The soil testing results will initially be evaluated with regard to MPCA's Recreational Soil Reference Values (SRVs) related to direct contact exposure, and to MPCA's Tier 1 Soil Leaching Values (SLVs) related to the soil-to-groundwater leaching pathway. A site-specific evaluation of the leaching pathway will also be conducted to account for:
 - the distribution of the fill and its analytical results, as it will be intersected by the anticipated infiltration/mounding of water
 - the predicted concentration of potential contaminants that may be present in the infiltration water as it migrates out of the fill layers towards the underlying groundwater
 - the comparison of the infiltrating water quality predictions to drinking water standards and surface water quality standards
- The results of the Phase II investigation and the infiltration analysis will be summarized in a report that will provide recommendations and conclusions for potential further actions based on the findings and results.

Remedial Action Planning

- A RAP will be developed for the project to: 1) outline the measures that will be taken to manage excavated fill material and 2) establish a final cover over the area as part of the construction of the infiltration system and related park improvements. It is anticipated that shallow fill material excavated at the Property will need to be taken to a landfill for disposal, primarily because of the presence of debris in the fill. However, the scope of work assumes that the proposed infiltration will not require further response actions beyond the Phase II evaluation outlined above.

This investigation is designed to evaluate the presence of contamination; however, because there are a fixed number of sampling locations proposed, the scope of services proposed may not fully define the extent of contamination that may be present at the Property, especially if laboratory exceedances are identified at locations with no apparent field impacts. If it is determined by either Barr or the City that additional sampling is necessary, the change in work scope and cost will be agreed upon prior to proceeding or undertaking any additional work.

Possible Grant Funding Towards Environmental Costs

As we have discussed, a portion of the environmental costs for this project may be eligible for grant funding, particularly from Hennepin County Environmental Services which focuses on public redevelopment projects that are facing legacy environmental issues. Hennepin County operates semiannual grant application rounds each May 1st and November 1st for their environmental response fund (ERF). If interested, Barr can assist the City in seeking grant funds for the May 2014 round. If successful, it is anticipated that the funds would be available to reimburse costs related to the environmental investigation and RAP development costs outlined in this letter which occur after an agreement is finalized between Hennepin County and the City following a successful grant award process (usually around August 1st). A second grant application could be pursued for the November 2014 round to seek funds for cleanup costs that may occur in the Spring/Summer 2015, which could involve significant transportation and landfill costs related to the shallow fill excavations that may be necessary to construct the project.

Based on recent conversations with Hennepin County ERF staff, they also have a second source of funds that may be suitable for this project. The funds are related to revolving loan payment being returned by others to the County, which are becoming available for environmental projects, with an emphasis on suburban public and non-profit projects. These funds can be sought at any time and County Staff expressed interest in meeting with the City in April to further discuss this project.

Schedule

We understand that the construction of the project is now scheduled for the Spring/Summer 2015 following completion of the adjacent development to the west. To finalize the design of the infiltration and landscape improvement project, the scope of work outlined in this letter will need to be completed by the end of 2014. Additionally, there are grant funding opportunities and related schedule milestones that could be factored into the project schedule. If desired, Barr can complete the scope of work outlined in this letter (Phase I/II/RAP) in approximately 3 months, but there may be financial benefit to scheduling the work around the grant funding opportunities mentioned above. With that in mind, the following preliminary schedule is suggested:

- Obtain City's review and approval of this work (mid April 2014)
- Obtain City Council resolution in support of the project for Grant Application (April 2014)
- Submit ERF grant application to Hennepin County (due May 1, 2014, or possibly sooner if alternative funding source is pursued)

- Complete Phase I ESA, MPCA application, and submit available information to MPCA (May 2014)*
- Finalize scope of work for Phase II following MPCA review/input (June 2014)*
- Determine if ERF grant is successful, and if so, execute grant agreement with Hennepin County (June-July 2014)
- Conduct Phase II field work (August 2014)**
- Obtain Phase II lab data and finalize Phase II Report and RAP (September 2014)**
- Seek MPCA approval of the RAP (October 2014)

*Early schedule for this activity would not be eligible for funding

** Slightly delayed schedule for this activity to access potential grant funding

Assuming that the outcome of the above evaluations is favorable, likely follow-up activities beyond the scope of this proposal may include:

- Submit ERF Grant Application to Hennepin County for cleanup funds (Due November 1, 2014, requires a MPCA-approved RAP)
- Finalize the project bidding documents and seek bids (Winter 2014/2015)
- Construct the project, including implementation of response actions (Spring/Summer 2015)

Estimated Cost

Our estimated cost for completing the scope of work is:

Activity	Estimated Cost
ERF Grant Applications (2)	\$3,600
Phase I Environmental Site Assessment	\$2,900
Phase II Environmental Investigation and Infiltration Evaluation	
Infiltration Field Activities	\$12,800 (includes \$8,000 of subcontractor and expenses)
Infiltration Capacity Evaluation	\$5,000
Soil Leaching – MPCA Liaison	\$4,400
Reporting	\$5,500
Remedial Action Plan Development	\$5,000
Project Management and Meetings	\$5,300
Total Estimated Cost	\$44,500

The cost assumes that Barr the field work will involves a single mobilization involving one day in the field. Additionally, Barr assumes that no groundwater or additional soil samples will be collected. If groundwater testing becomes necessary, then Barr will prepare an updated cost estimate for the City.

Barr will conduct this work under Barr's February 27, 2013 contract with the City of Edina. Barr will charge our costs on a time and expense basis and will not exceed the above cost estimate without prior approval from the City of Edina.

In authorizing this proposal, you agree to waive any claim against Barr and will indemnify and hold Barr harmless from any claim of liability, injury or loss allegedly arising from us damaging underground objects not called to our attention prior to beginning the work.

If this proposal is satisfactory, please sign the enclosed copy of this letter in the space provided. Thank you for the opportunity to provide assistance on your project. If you have any questions, please call Kurt Luethold at 952-832-2859 or me at 952-832-2741.

Sincerely,

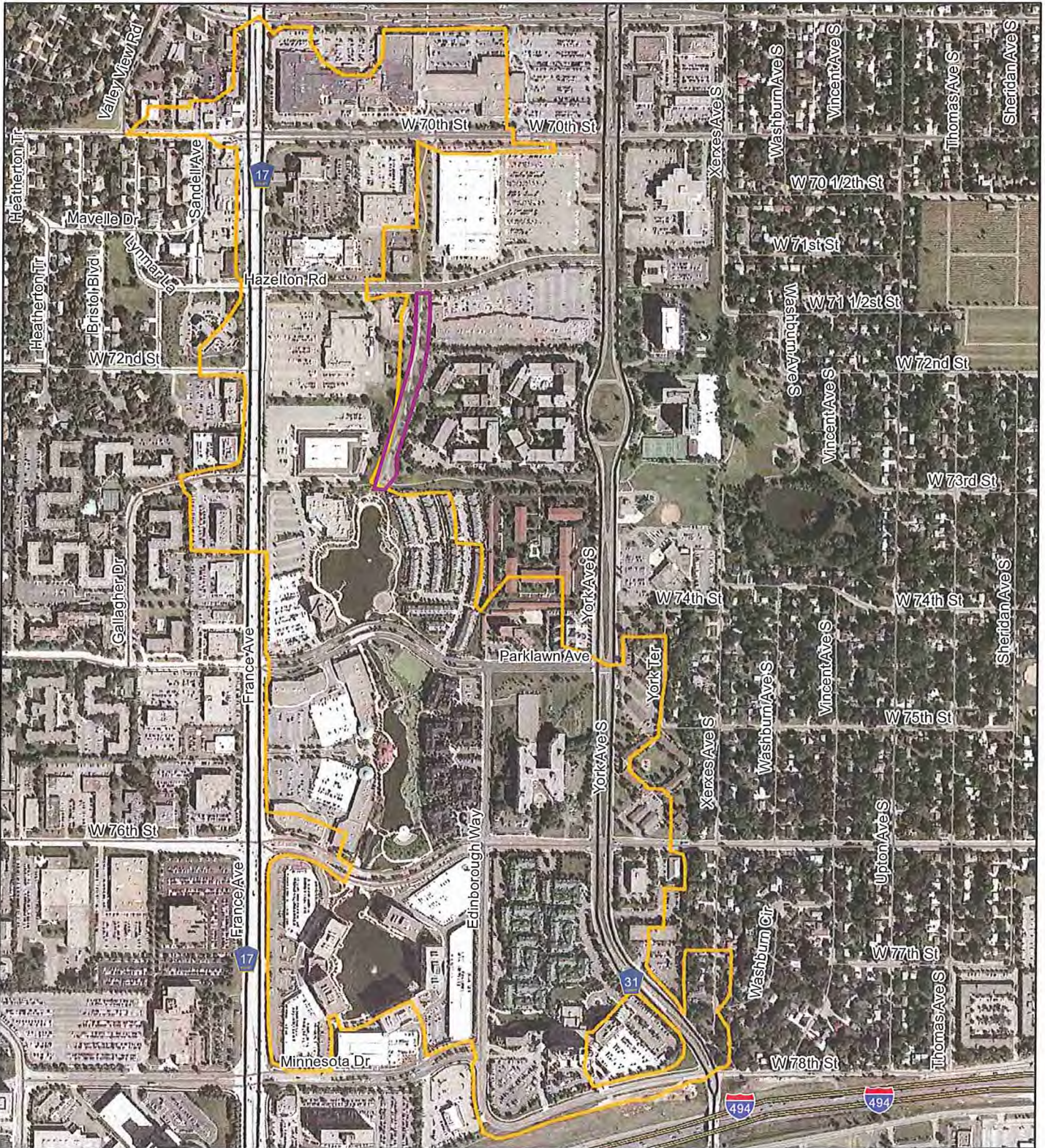


Dan Fetter, P.E.
Vice President



Accepted this _____ day of _____, 2014

By _____

Its _____



Legend

-  Edina Promenade Volume Reduction Study Area
-  Centennial Lakes Watershed

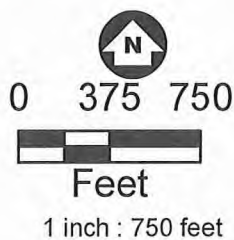


Figure 1

EDINA PROMENADE LOCATION MAP
Centennial Lakes Volume Reduction Plan
Nine Mile Creek Watershed District
Edina, MN

Attachment 1
Phase I Environmental Site Assessment
Service Delivery Assumptions

- The Property consists of Hennepin County Property ID 320282422001, identified as 7151 Promenade; Edina MN 55435.
- The client, and Barr as its agent, has permission to access the Property and its structures.
- The client or a designated qualified person(s) will provide Barr staff with any special safety or other special facility access instructions and provide Barr staff safe means for accessing the Property and its features for the purpose of conducting the Property inspection visit.
- The Property inspection visit will take no more than two hours to complete (including travel time to and from Barr's office and the Property).
- Barr will gather, to the extent materials are reasonably ascertainable and pertinent, appropriate historical information regarding the project area. Materials reviewed may include:
 - Historical maps and historical aerial photographs (for approximate five-year intervals)
 - City directory information
 - Supplemental historical documents, such as, company records (if provided), building permit, tax assessor, or fire department files.
- Interviews of up to two knowledgeable persons familiar with the Property will be conducted over the telephone or during the Property inspection visit. The client will designate the appropriate interviewees and Barr will make up to three attempts to contact and perform the interviews with the interviewees during regular business hours.
- Barr will complete pertinent interviews of appropriate and reasonably ascertainable government officials for information on Property utilities and zoning. Barr will make up to three attempts to contact and perform the interviews with the interviewees during regular business hours.
- Barr will review up to two state agency files.
- Barr assumes that the 2014 Braun investigation is the only report that exists for the Property.
- A title search (summarizing past ownership, leases, land contracts, liens and other encumbrances) will be provided to Barr by the User as per the Practice for incorporation into the Report. If a title search is not provided, Barr will consider this as a data gap. Unless the detailed history of ownership for the Property can be determined from the interviews and the historical information search, this data gap may be significant if so concluded by the EP. If requested, Barr can obtain and complete a review of the chain-of-title information or deed documents as an additional scope item and cost.
- Barr, through use of a standard database vendor, will obtain and review regulatory database information in accordance with the Practice Barr will not review regulator files (except for

information available on the internet) without additional authorization, which will include additional charges.

- The scope of the Assessment will not involve the collection and analysis of any type of samples. The scope of the Assessment will not involve completion of any surveys or the offering of any opinions or advice with respect to structural engineering matters, asbestos-containing materials, radon, lead-based paint, lead in drinking water, wetlands, compliance with environmental regulations, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, biological agents, mold, or other conditions that are beyond the scope of the Practice. If requested by you, Barr can expand the scope and cost of the Assessment to include any of these items that may be a potential concern to you. Any work related to these non-scope items will be the subject of a report/letter separate from the Report or included in the Additional Services section of the Report.
- The scope of the Assessment will involve recommendations regarding Phase II assessment activities, which will be summarized in a separate letter. Opinions regarding "Additional Investigations" (ASTM 1527-13 Sec 12.6.1) and business environmental risks (ASTM 1527-13 Sec 3.2.11) will be discussed with the client before being incorporated into the Report.
- One Report will be completed for the Property. The Report will consist of the following:
 - The findings, opinions, and conclusions of the Assessment.
 - Property location map(s) and property layout map(s) with current conditions and, if appropriate, past uses.
 - A Phase I documentation section (to be included as an appendix), which describes the Property setting, utility information, land-use history, regulatory history, previous investigations, and current Property conditions and features.
 - Other appendices for historical documentation, regulatory report information, interview results, property inspection photographs, and limitations/qualifications.
- One final copy of the 3-ring bound Report will be produced for the client; extra copies can be provided for additional cost. Different report formats or bindings can be provided if desired (some formats may require additional cost).
- The client's authorized representative will provide review comments on the Report within five days of receipt of Barr's review copy. The revisions to the Report will require minimal work to complete. Corrected replacement pages or figures will be sent for client's insertion into the Report.